

1 The Honorable Richard A. Jones
2 The Honorable James P. Donohue
3
4
5
6
7
8

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 KYLE LYDELL CANTY,)
10 vs.)
11 CITY OF SEATTLE, et. al.,)
12 Defendants.)
13)
14 Plaintiff,) No. 2:16-cv-01655-RAJ-JPD
15)
16) KING COUNTY DEFENDANTS'
17) RESPONSE TO PLAINTIFF'S
18) OBJECTIONS TO THE REPORT &
19) RECOMMENDATION (DKT. 166)
20)
21)
22)
23)

I. INTRODUCTION

King County, DMHP Melinda Hasegawa, and DMHP Gail Bonicalzi (King County Defendants), respectfully request that this Court adopt the Report and Recommendations of Chief United States Magistrate Judge James P. Donohue. Alternatively, King County Defendants request the Court dismiss any claims against them pursuant to King County Defendants' Motion for Summary Judgement.

II. ARGUMENT

Magistrate Judge Donohue recommended dismissal of this suit based on Plaintiff's repeated failure to engage in discovery in this case. Dkt. 157. Plaintiff has since submitted objections to the Report and Recommendation as well as numerous pleadings titled as "Declarations" but which appear to be Plaintiff's own unsworn ramblings about the persons

KING COUNTY DEFENDANTS' RESPONSE TO
PLAINTIFF'S OBJECTIONS TO THE REPORT &
RECOMMENDATION (2:16-cv-01655-RAJ-JPD)- 1

Daniel T. Satterberg, Prosecuting Attorney
CIVIL DIVISION, Litigation Section
900 King County Administration Building
500 Fourth Avenue
Seattle, Washington 98104
(206) 296-0430 Fax (206) 296-8819

1 associated with his two criminal cases. The only relevant portion of Plaintiff's pleading is his
 2 excuse as to why he refused to be deposed while he was incarcerated in prison. Dkt. 166
 3 (Plaintiff's Objections, p. 3). Plaintiff incorrectly believes that he has a right to agree on the time
 4 and place of his deposition despite the fact that his deposition was properly noted and that he was
 5 properly subpoenaed for the deposition. *Id.*; Dkt. 122 (Declaration of Gregory Jackson, Ex. 2).
 6 Likewise, he offers no explanation for why he has refused mail from defendants and refuses to
 7 answer interrogatories, requests for production or sign off on stipulations for defendants to obtain
 8 records relevant to this suit. Rather, Plaintiff contradicts his own prior filings (which claim that
 9 he is hiding true copies of his records) by now claiming that defendants have "all discovery."¹
 10 See Dkt. 166 (Plaintiff's Objections, p. 3). Plaintiff's "factual" recitations contained in his
 11 objections to the Report and Recommendation are unsupported attempts to smear the intentions
 12 of the defense attorneys appearing in this matter as well as Chief Magistrate Judge Donohue. As
 13 such, King County Defendants rely on their briefing on the Motion to Dismiss/ Motion for
 14 Summary Judgment. Dkt. 123-124, 146.

15 **III. CONCLUSION**

16 Based on the objections filed, King County Defendants request this Court adopt the
 17 Report and Recommendation of Chief Magistrate Judge James P. Donohue, grant Defendants'
 18 motions and dismiss Plaintiff's claims.

19
 20 DATED this 4th day of April, 2018.

21 //

22
 23 ¹ It is possible that Plaintiff is confusing discovery in his criminal cases in which he or his attorney were likely given
 all police reports in preparation for trial with his obligation to answer civil discovery in a case he initiated.
 Regardless, it is his obligation as Plaintiff in this matter to answer discovery and to attend a properly noted
 deposition.

1 DANIEL T. SATTERBERG
2 King County Prosecuting Attorney
3
4

5 By: /s/ Samantha D. Kanner
6 SAMANTHA D. KANNER, WSBA #36943
7 Senior Deputy Prosecuting Attorney
8 Attorneys for King County Defendants
9 500 Fourth Avenue, 9th Floor
10 Seattle, WA 98104
11 Telephone: (206) 296-8820
12 E-Mail: Samantha.Kanner@kingcounty.gov

13
14 **CERTIFICATE OF FILING AND SERVICE**

15 I hereby certify that on April 4, 2018, I electronically filed the foregoing document(s)
16 with the Clerk of the Court using the CM/ECF E-Filing System thereby serving co-defendants'
17 counsel electronically and sent a copy of the same via USPS mail to:

18 **Kyle Lydell Carty**
19 **77 S Washington Street**
20 **Seattle, WA 98104**

21 I certify under penalty of perjury under the laws of the United States and the State of
22 Washington that the foregoing is true and correct.

23 DATED this 4th day of April, 2018.

24
25 /s/Lindsey Macalalad
26 LINDSEY MACALALAD
27 Legal Secretary